

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	*	CASE NO.: 15-62138-WLH
	*	
DIANE D BROWN,	*	
	*	CHAPTER: 13
	*	
	*	
	*	
<u>DEBTOR.</u>	*	

**MOTION TO RECONSIDER ORDER OF DISMISSAL PURSUANT TO BR 9024 AND
BLR 9023-1**

COMES NOW the Debtor in the above-styled Chapter 13 case, and through counsel, files this "Motion to Reconsider Order of Dismissal Pursuant to BR 9024 and BLR 9023-1" by showing to this Honorable Court the following:

1.

Debtor filed a Petition constituting an Order for Relief under Title 11 U.S.C. Chapter 13 on July 1, 2015. Debtor's Chapter 13 Plan proposes a 70% dividend to be paid to allowed general unsecured claims.

2.

The confirmation hearing was held September 9, 2015. At the hearing Trustee announced Debtor's case would be placed on ten (10) day status for Debtor to remit proof of the August and September 2015 mortgage payments. On October 8, 2015 the Chapter 13 Trustee filed a supplemental status report requesting dismissal because Debtor had not provided proof of the mortgage payments (Doc. No. 18). The court entered the Order of Dismissal October 9, 2015 (see Order at Doc. No. 19).

3.

After the hearing on September 9, 2015 Debtor's counsel received the proof of the mortgage payments from Debtor. On or around September 11, 2015 Debtor's counsel submitted the proof to the Chapter 13 Trustee's office via electronic upload and received the following confirmation of the upload:

Document description: CONFIRMATION-PROOF OF MORTGAGE

Document serial number: DOC1300000000001397.

However it appears there was an error in the electronic upload of the documents. In addition on September 30, 2015 Debtor's counsel emailed the Chapter 13 Trustee staff attorney to alert him that the proof of mortgage payments had been uploaded electronically. Prior to the hearing on this Motion, Debtor's counsel will re-send the proof of mortgage payments for the months of August, September and October 2015 to the Chapter 13 Trustee.

4.

The interests of justice and the facilitation of the Debtor's debt reorganization would best be served by the continuation of the present Chapter 13 proceeding. There is no scheduled foreclosure as of the date of this Motion.

5.

Pursuant to BR 8002, the Order is not final until fourteen (14) days later. Pursuant to BLR 9023-1, this motion for reconsideration is being filed within fourteen (14) days of the Order of Dismissal. Due to the error in the electronic upload to the Chapter 13 Trustee of the requested proof of mortgage payments, Debtor respectfully requests the Court to reconsider the Order dismissing the case and allow her to complete the Plan payments.

WHEREFORE Debtor prays:

- (a) That the Order of Dismissal be Re-Considered;
- (b) That the Chapter 13 Case be reinstated; and,
- (c) That the Court grant such other and further relief as it may deem just and proper.

Clark & Washington, LLC
3300 Northeast Expressway
Building 3
Atlanta, GA 30341
(404)522-2222

Respectfully submitted,
Clark & Washington, LLC

By: /s/
Thomas J. Reichard
GA Bar No. 150822
Attorney for the Debtor

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NOTICE OF HEARING ON MOTION TO RECONSIDER ORDER OF DISMISSAL

PLEASE TAKE NOTICE that the Debtor in the above-referenced matter filed a “Motion” seeking reconsideration of Order of Dismissal..

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the matter in Court Room 1403 (14th Floor) of the US Courthouse, 75 Ted Turner, SW, Atlanta, GA 30303, at 9:30 AM, on November 4, 2015.

Your rights may be affected by the court’s ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is Clerk, US Courthouse, 75 Ted Turner, SW, Atlanta, GA 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Respectfully submitted,
Clark & Washington, LLC

/s/ _____
Thomas J. Reichard
GA Bar No. 150822
Attorney for the Debtor

Clark & Washington, LLC
3300 Northeast Expressway
Building 3
Atlanta, GA 30341
(404)522-2222

/jas

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CERTIFICATE OF SERVICE

I the undersigned certify under penalty of perjury that on this day I served the following parties with a copy of the attached “Notice of Hearing on Motion to Reconsider Order of Dismissal Pursuant to BR 9024 and BLR 9023-1” and “Motion to Reconsider Order of Dismissal Pursuant to BR 9024 and BLR 9023-1” by placing true copies of same in the United States Mail with adequate postage affixed to insure delivery, addressed to:

Diane D Brown
2437 Rockknoll Dr
Conley, GA 30288

I further certify that, by agreement of the parties, Nancy Whaley - Chapter 13 Trustee, Standing Chapter 13 Trustee, was served via the ECF electronic mail/noticing system.

And, in the same manner I served the parties listed in the attached matrix with the “Notice of Hearing on Motion to Reconsider Order of Dismissal Pursuant to BR 9024 and BLR 9023-1” at the addresses indicated therein,

Dated:10/22/2015

/s/

Thomas J. Reichard
GA Bar No. 150822

Clark & Washington, LLC
3300 Northeast Expressway
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/jas

Ashley Stewart
Comenity
Po Box 182124
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BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998-2238

Barclays Bank Delaware
Attn: Bankruptcy
P.O. Box 8801
Wilmington, DE 19899-8801

Capital One
26525 N Riverwoods Blvd
Mettawa, IL 60045-3438

Capital One
Attn: Bankruptcy
Po Box 30285
Salt Lake City, UT 84130-0285

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Cavalry SPV I, LLC
c/o Bass & Associates, P.C.
3936 E. Ft. Lowell Suite 200
Tucson, AZ 85712-1083

Chase
Attn: Bankruptcy
Po Box 24696
Columbus, OH 43224-0696

Comenity Bank/Roomans
Attn: Bankruptcy
P.O. Box 182686
Columbus, OH 43218-2686

Comenity Bank/avenue
Po Box 182789
Columbus, OH 43218-2789

Comenity Bank/brylnhme
Po Box 182789
Columbus, OH 43218-2789

Comenity Bank/cathrins
4590 E Broad St
Columbus, OH 43213-1301

Comenity Bank/Inbryant
4590 E Broad St
Columbus, OH 43213-1301

Comenity Capital Bank/HSN
Attn: Bankruptcy
Po Box 183043
Columbus, OH 43218-3043

Department Stores National Bank For
Macys Br
Bankruptcy Processing
Po Box 8053
Mason, OH 45040-8053

GECRB/JC Penny
Attention: Bankruptcy
Po Box 103104
Roswell, GA 30076-9104

GECRB/ShopNBC
Attn: Bankruptcy
Po Box 103104
Roswell, GA 30076-9104

Gemb/walmart
Attn: Bankruptcy
Po Box 103104
Roswell, GA 30076-9104

GEORGIA DEPARTMENT OF
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COMPLIANCE DIVISION
ARCS BANKRUPTCY
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Mason, OH 45040-8999

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PO Box 2011
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NTB/CBSD
CitiCards Private Label Centralized
Bank
Po Box 20507
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Onemain Financial
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PORTFOLIO RECOVERY
ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Quantum3 Group LLC as agent for
Comenity Bank
PO Box 788
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for
Comenity Capital Bank
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Kirkland, WA 98083-0788

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Roswell, GA 30076-9104

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Po Box 965028
Orlando, FL 32896-5028

Synco/tjx Cos Dc
Po Box 965005
Orlando, FL 32896-5005

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